IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

Crl.Rev.Pet.No. 786 of 1998()

CC.236/1991 of JUDL. MAGISTRATE OF FIRST CLASS COURT, KODUNGALLUR
.....

REVN. PETITIONERS/DEFACTO COMPLAINANTS-PWS.1 TO 3:
---

1. DEVASSY, S/o. OUSEPH,
   ERIYAD VILLAGE, KODUNGALLUR TALUK,
   THRISSUR DISTRICT.

2. ABRAHAM, S/o. OUSEPH,
   ALA VILLAGE, KODUNGALLUR TALUK,
   THRISSUR DISTRICT.

3. ANTONY, S/o. OUSEPH,
   SREENARAYANAPURAM VILLAGE,
   KODUNGALLUR, THRISSUR.

BY ADV. SRI.N.P.SAMUEL

RESPONDENTS/ACCUSED 1,2 &4 & COMPLAINANT:
---

1. SUNIL, S/o. NARAYANAN, MANAKATT,
   KOTHAPARAMBA, S.N.PURAM,
   KODUNGALLUR, THRISSUR.

2. SANTHOSH, S/o. BHASKARAN, MANAKKAT,
   KOTHAPARAMBA, S.N.PURAM,
   KODUNGALLUR, THRISSUR.

3. AJAYAN, S/o. BHASKARAN, MANAKKAT,
   KOTHAPARAMBA, S.N.PURAM,
   KODUNGALLUR, THRISSUR.

4. STATE OF KERALA REPRESENTED BY THE
   PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM.
   (CR.153/90 OF MATHILAKAM POLICE STATION)

BY ADV. SRI.K.JAJU BABU
PUBLIC PROSECUTOR SRI. C.M.KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 19/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

==========

CRL.R.P.NO. 786 OF 1998

==========

DATED THIS THE 19TH DAY OF FEBRUARY 2007

ORDER

The revision petitioners are the de facto complainants in C.C.No.236/1991 in the file of the Judicial First Class Magistrate, Kodungallur with respect to the offences under Sections 324,326 read with Section 34 of the Indian penal Code. The revision petitioners are aggrieved on account of the fact that the accused have been acquitted despite the fact that the injured as well as the occurrence witnesses have testified as to the incident and as to the fact that the accused attacked them with deadly weapons and inflicted grievous injuries.

2. On a perusal of the judgment of the court below, I find that the court below has not considered the evidence at all. There is no discussion in the judgment with respect to the testimony of the witnesses. No reasons are mentioned as to why the witnesses version is not to be believed. It appears that the matter calls for reconsideration. The case is remitted back to the Judicial First Class Magistrate Court, Kodungallur for a fresh disposal on merits untrammelled by any observations contained herein. The Prosecutor as

well as the accused shall be further heard and the matter disposed of at the earliest. The accused shall appear before the Judicial First Class Magistrate Court, Kodungallur on 20-3-2007. The Crl.R.P.is disposed of accordingly.

K.R.UDAYABHANU, JUDGE

ks.